

Remarks

Applicant has reviewed the Office Action dated as mailed January 4, 2011 and the documents cited therewith and the present amendment has been prepared in response thereto. Claims 1 – 16 are cancelled and claims 17 – 30 are new. The claims have been amended to eliminate multiple dependency and to more clearly describe the invention. No new matter is added.

Amendments to the Specification

In the January 4, 2011 Office Action, the Examiner objected to the Abstract of the Specification. The Abstract of the specification has been amended to eliminate the use of the words “said” and “means” and to bring the Abstract within the word limit. Withdrawal of the objection to the specification is respectfully requested.

Drawings

In the January 4, 2011 Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) and stated that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner objected to the lack of a “stepping gear” or some type of gear in the drawings. The claims have been amended so that a stepping gear is not claimed. Instead, the preamble of the claims recites “a clamping and/or spreading tool,” which is clearly depicted in the drawings. Withdrawal of the objection to the drawings is respectfully requested.

Claim Objections

The Examiner objected to claims 4 – 16 under 37 C.F.R. 1.75(c) as being in improper form because of the multiple dependent claim 3. For this reason, the Examiner did not substantively examine claims 4 – 16. The claims have been amended to eliminate multiple dependent claims. Withdrawal of the objection to the claims is respectfully requested.

Claim Rejections under 35 U.S.C. §112

The Examiner rejected claims 1 – 3 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner objected to the phrase “stepping gear” in the claims and stated that the stepping gear is not shown in the drawing or identified as an element in the device. Applicants have eliminated reference to a “stepping gear” in the claims and instead claim a “clamping and/or spreading tool.” Withdrawal of the 35 U.S.C. §112, first paragraph, rejection of claims 1 – 3 is respectfully requested.

The Examiner rejected claims 1 – 3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner stated that:

- i. The phrases “at least one operating arm” and “activated lever” in claim 1 refer to the same element and are vague or indefinite. Applicants have amended the claims to eliminate reference to “at least one operating arm” and have amended reference to the lever in the two independent claims to more specifically define the invention.
- ii. The phrase “the decoupling means is designed as a load dependent release means” in claim 2 does not define the structure. Applicants have amended the claims to more specifically define the decoupling mechanism based on structure.
- iii. Claim 3 recites a locking lever which is defined as the first lever, but the same element is being claimed as a separate element according to the specification. Applicants have amended the claims to separately claim the lock and the trigger arm.

Withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 1 – 3 is respectfully requested.

Claim Rejections under 35 U.S.C. §102

In the January 4, 2011 Office Action, the Examiner rejected claims 1 – 3 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,651,078 to Geier *et al.* (hereinafter Geier). The Examiner stated that Geier discloses the claimed invention as recited in the claims. Applicants respectfully disagree.

Geier is directed to a clamping and/or spreading tool having a drive for displacing a push or pull rod. The drive includes a torsion spring and a drive wheel having an axis of rotation coincident with the torsion spring. The Examiner stated that the clamping and/or spreading tool of Geier “comprises at least one operating arm 41 operateable with at least two lever configurations 71 characterized in that a mechanism for switching from a first lever 41 configuration to a second lever 71 configuration is provided.” See, page 5, lines 22-26, of the April 4, 2011 Office Action. The first lever arm 41 of Geier is the arm controlling the lock and the second lever arm 71 is a drive arm operably connected to the drive wheel.

Geier does not disclose “a trigger defining a first lever arm and a second lever arm, the trigger operably connected to the distance driver by a decoupling mechanism, the decoupling mechanism comprising a coupling rod and a release mechanism” as recited in currently pending claim 17 or a first trigger and a second trigger, wherein actuating the first trigger or the second trigger displaces the push or pull rod in an advance direction as disclosed in currently pending claim 24. Thus, Geier does not anticipate independent claims 17 or 24 and all claims depending therefrom. Withdrawal of the 35 U.S.C. §102(e) rejection of the claims in view of Geier is respectfully requested.

In the January 4, 2011 Office Action, the Examiner also rejected claims 1 – 3 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,578,837 to Blank *et al.* (hereinafter Blank). Applicants respectfully disagree. Blank is directed to a clamping tool having a first jaw connected to a pull/push rod and a fixed second jaw connected to a housing. The pull/push rod is advanced in a forward direction by an operating arm (36) engaging a carry-along slide (5) at an arm end (31). The pull/push rod is advanced in a reverse direction by a release lever (15) engaging the detent slide (14) at an arm (18).

Blank does not disclose “a decoupling mechanism comprising a coupling rod and a release mechanism” and it does not disclose a first trigger and a second trigger, wherein activating the first trigger in a first direction and activating the second trigger in a second direction displaces the push or pull rod in an advance direction. The operating arm (36) and the release lever (15) of Blank advance the pull/push rod in opposite directions, not in the same advance direction as in the current invention. Thus, Blank does not anticipate independent claims 17 and 24 and any claims depending therefrom. Withdrawal of the 35 U.S.C. §102(e) rejection of the claims in view of Blank is respectfully requested.

In summary, it is submitted that all of the pending claims are allowable and that the application is in condition for allowance.

If the Examiner has any questions about the present Amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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